Supreme Court, U. S.
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JAN 23 1975
MICHAEL RODAK, JR., CLERK

APPENDIX

Supreme Court of the United States

OCTOBER TERM, 1974

No. 74-364

UNITED STATES OF AMERICA,

Petitioner

—v.—

WILLIAM G. HALE

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

PETITION FOR A WRIT OF CERTIORARI FILED SEPTEMBER 30, 1974

CERTIORARI GRANTED DECEMBER 9, 1974

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RELEVANT DOCKET ENTRIES

DATE	PROCEEDINGS
1971 Jul 15	Presentment and indictment (1 Count) BAR
1971 Sept 9	ARR: PNG; Pretrial set for Oct. 4, 1971 at 4:00; Bond. GESELL, J. Rep.— P. Harper M. Zwerling, Atty (for P. Chernoff)
1971 Sept 15	Motion of deft. for pre-trial discovery & inspection & for disclosure of evidence favorable to deft; attachment.
1971 Oct 4	Pretrial: Further pretrial is set for Nov. 9, 1971 at 4:00 P.M., Bond. GESELL, J., H. KAITZ, Rep. M. Zwerling, Atty.
1971 Nov 9	Pretrial (Trial is set for 2-9-72 at 2 P.M.); Bond. GESELL, J., Rep-Maher/Watson M. Zwerling, Atty
1971 Dec 15	Govt's Mo to revoke Per Rec or Modify terms & conds. of release.
1972 Feb 3	Deft Hale's Opposition to Joinder of Defts. P/A
	Mo. for issuance of subpoena—GRANTED—GESELL, J
1972 Feb 8	Mo. for issuance of subpoena, GRANTED. GESELL, J.
1972 Feb 16	Defts request for voir dire questions; Trial memo of deft.
1972 Feb 16	Cases 1319-71 and 2348-71 consolidated for trial. Case called for trial; 12 jurors and 2 alts. sworn. Mo. of deft. Hale for mistrial heard and GRANTED (witness ill); deft. Anderson waives his rights to a to a [sic] speedy trial; jurors discharged. Additional conditions of release imposed as to each deft. Deft. Hale remanded (in jail in another case); Deft. Anderson, Bond.

DATE	PROCEEDINGS
	GESELL, J. Rep. I. Watson M. Zwerling, atty. #1; E.J. Mendard., Atty., #2
1972 Jun 15	Motion of deft. for a continuance heard and DENIED. Case called for trial. Twelve (12) jurors and 1 alt. sworn; respited until 6-16-72 at 9:30 a.m. GESELL, J. Rep: I. Watson F. Weisberg, E. Menard, Attys.
1972 Jun 16	Trial resumed; same jurors & alt.; alt. juror discharged; Jury retires & begins deliberations; VERDICT: deft GUILTY as charged (Robbery); Note from jury filed. Jury discharged; deft. committed; commitment issued; referred. Proposed jury instructions 1 thru 4 of Deft. Hale, filed.
	GESELL, J Rep-Harper Frederick Weisberg, atty
1972 Oct 4	SENTENCE: Imposition of sentence suspended. Probation 3 years with conditions that deft. remain in family counselling and narcotic assistance programs as directed by the Probation Officer of this Court. GESELL, J. Rep; I. Watson F. Weisberg, Atty.
1972 Oct 5	JUDGMENT & PROBATION OF 10-4-72
1972 Oct 13	Notice of appeal from Judgment and imposition of sentence entered on Oct. 4, 1972.
1972 Nov 9	Record on Appeal delivered to USCA; In Forma Pauperis (Clerk's fee $2.50 w/c) Receipt from USCA for Original Record.
1972 Nov 9	Certified copy of ORDER USCA dated 11-8-72 appointing Sherman Cohn, Georgetown U Law Center & directing Clerk of District Court to transmit the record as promptly after filing of transcripts as business of office permits. Certified copy of ORDER USCA dated 11-8-72 consolidating 72-1848 & 72-2066 for all purposes.

DATE	PROCEEDINGS
1973 Jan 17	Certified copy of Order USCA dated 1-16-73 appointing Larry J. Ritchie as co-counsel.
1974 Aug 6	CERTIFIED copy of Order USCA dated 8-1-74 denying rehearing.
	CERTIFIED copy of Order USCA dated 8-1-74 denying suggestion for rehearing *en banc*.
1974 Aug 12	CERTIFIED copy of Judgment USCA dated 5-21-74 reversing the Judgment of the District Court. Opinion filed.
1974 Sept 10	Order vacating sentence imposed 10-4-72. (N) GESELL, J.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Criminal Number 2348-71

UNITED STATES OF AMERICA

vs.

FLEMING ANDERSON, DEFENDANT

Washington, D.C.
June 16, 1972

TRANSCRIPT OF PROCEEDINGS

VOLUME: II
PAGES: 151-326

PHYLLIS P. HARPER
OFFICIAL REPORTER
U. S. COURT HOUSE
WASHINGTON, D. C.

[259]

* * * *

[BY MR. DUGAN]:

Q When did they inform you of the charges?
A When I was at the precinct.
Q Did they search you?
A Yes, they did.
Q Did they find some money on you?
A Yes, they did.
Q Did you in any way indicate where that money came from?
A No, I didn't.
Q Why not?
A I didn't feel that it was necessary at the time.
Q You were advised of your rights, were you not?
A Yes.

THE COURT: He is not required to indicate where the money came from. There is no responsibility on his part in regard to that.

MR. WEISBERG: Thank you, your Honor.

MR. MENARD: I ask that the question and answer be stricken.

THE COURT: I indicated to the jury that it is clearly an inappropriate question. You may disregard it, ladies and gentlemen. The defendant is not required to give [260] any explanation whatsoever at the time of his arrest.

BY MR. DUGAN: If he was asked the question—

THE COURT: I have ruled, sir.

MR. DUGAN: All right, your Honor. Fine.

* * * *

[261]

* * * *

[MR. WEISBERG]: Secondly, I think questioning into whether or not he explained where the money came from was highly improper as the Court pointed out. I am not at all sure that an instruction to the jury could cure that.

THE COURT: Do you have any evidence that he gave [262] a contrary statement to the police.

MR. DUGAN: They asked him, "Where did you get the money?" He couldn't account for it.

THE COURT: What did he say?

MR. DUGAN: He wouldn't say anything. He couldn't account for it. They asked him whether he was working or wasn't working. He wouldn't indicate.

THE COURT: That question was highly improper. I tried to correct it. I think I have corrected it.

* * * *

SUPREME COURT OF THE UNITED STATES

No. 74-364

UNITED STATES, PETITIONER

v.

WILLIAM G. HALE

ORDER ALLOWING CERTIORARI. Filed December 9, 1974

The petition herein for a writ of certiorari to the United States Court of Appeals for the District of Columbia Circuit is granted.

☆ U. S. GOVERNMENT PRINTING OFFICE: 1974 566271 66